

JAMES P. KEMP, ESQ.  
Nevada Bar No.: 6375  
VICTORIA L. NEAL, ESQ.  
Nevada Bar No.: 13382  
KEMP & KEMP  
7435 W. Azure Drive, Ste 110  
Las Vegas, NV 89130  
702-258-1183 ph/702-258-6983 fax  
jp@kemp-attorneys.com  
vneal@kemp-attorneys.com

*Attorneys for Plaintiff*  
*Antonio Torres*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\*\*\*

ANTONIO TORRES,

Plaintiff,

vs.

BELLAGIO, LLC, a Nevada corporation;

Defendant.

) Case No.: 2:17-cv-03114-JCM-VCF

**STIPULATION AND PROPOSED**  
**ORDER EXTENDING DISCOVERY**  
**DEADLINES**

**[FIRST REQUEST]**

Pursuant to Local Rules IA 6-1 and 26-4, Plaintiff ANTONIO TORRES and Defendant BELLAGIO, LLC, by and through their respective attorneys of record, hereby submit this Stipulation and Proposed Order Extending discovery Deadlines for a period of ninety (90) days. This is the first request for an extension to the discovery plan and scheduling order in this matter. The requested extension is sought in good faith and not for purposes of delay.



**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. LEGAL ARGUMENT**

Fed. R. Civ. P. 16(b)(4) governs the modification of discovery plans and scheduling orders. Rule 16 provides that "[a] schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). The "good cause" standard focuses primarily on the movant's diligence. *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1294-95 (9th Cir. 2000). Local Rule 26-4 provides that discovery plans and scheduling orders may be modified for good cause, provided that a motion to extend is made "no later than twenty-one (21) days before the expiration of the subject deadline." LR 26-4. Additionally, a motion to extend the discovery deadline must include: (1) a statement specifying the discovery completed; (2) a specific description of the discovery that remains to be completed; (3) the reasons why the deadline was not satisfied or the remaining discovery not completed within the time set by the discovery plan; and (4) a proposed schedule for completing all remaining discovery.

Pursuant to LR 26-4, this Request to extend the discovery cut-off deadline is subject to the good cause standard. Good cause "is a non-rigorous standard that has been construed broadly across procedural and statutory contexts." *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010). Good cause exists to extend the parties' discovery deadlines. The parties agreed at the Early Neutral Evaluation conference on March 15, 2018 to stay these proceedings for a period of six weeks (from the parties' attendance at the Early Neutral Evaluation conference and April 30, 2018, the final day of stay) during which time the parties attempted to reach a settlement. On March 23, 2018, the parties submitted a Stipulation To Stay Proceedings Until April 30, 2018, while the Parties attempted to reach that settlement. **ECF No. 14.** The Court granted that Stipulation on March 27, 2018. **ECF No. 15.** The Parties were not



1 successful in resolving this matter and now request the following Order Extending Discovery  
2 Deadlines be approved by the Court.  
3

4 **A. Statement Specifying Discovery Completed**

5 The parties have exchanged initial disclosures pursuant to FRCP 26(a)(1).  
6

7 **B. Specific Description Of Discovery That Remains To Be Completed**

8 The parties stipulated to the stay prior to engaging in any other discovery. Therefore, all  
9 other discovery is outstanding.

10 **C. Reason Why The Discover Deadlines Cannot Be Meet**

11 The matter was stayed.  
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**D. Proposed Schedule For Completing All Remaining Discovery**

Event	Current Deadline	Revised Date
Discovery Cut-Off	Tuesday, July 24, 2018	Monday, October 22, 2018
Amending the Pleadings and Adding Parties	Wednesday, April 25, 2018	Tuesday, July 24, 2018
Initial Disclosures Identifying Experts	Friday, May 25, 2018	Thursday, August 23, 2018
Interim Status Report	Friday, May 25, 2018	Thursday, August 23, 2018
Rebuttal Experts	Monday, June 25, 2018	Friday, September 21, 2018
Dispositive Motions	Thursday, August 23, 2018	Wednesday, November 21, 2018
Pretrial Order	Monday, September 24, 2018	Friday, December 21, 2018

Dated: May 4, 2018.

Dated: May 4, 2018.

Respectfully submitted,

Respectfully submitted,

/s/ Victoria L. Neal  
JAMES P. KEMP, ESQ.  
VICTORIA L. NEAL, ESQ.  
KEMP & KEMP


/s/ Deverie J. Christensen  
DEVERIE J. CHRISTENSEN, ESQ.  
JACKSON LEWIS, P.C.

Attorneys for Plaintiff  
ANTONIO TORRES

Attorney for Defendant  
BELLAGIO, LLC

If dispositive motions are filed, the **IT IS SO ORDERED.**  
deadline for filing the joint pretrial order  
will be suspended until 30 days after  
decision on the dispositive motions or  
further court order.

Dated: May 4, 2018.

  
UNITED STATES MAGISTRATE JUDGE  
CAM FERENBACH